

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

TEXAS GAS TRANSMISSION, LLC,)	
)	
Plaintiff,)	
)	
vs.)	1:16-cv-00428-RLY-DML
)	
169.97 ACRES, JOHN MARK)	
GARRETT, CYNTHIA DAWN)	
GARRETT, JUSTIN GARRETT,)	
and ADDITIONAL UNKNOWN)	
INTEREST OWNERS,)	
)	
Defendants.)	

ENTRY ON PENDING MOTIONS

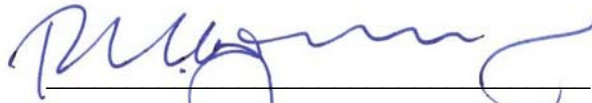
Texas Gas Transmission, LLC, brought this condemnation action to obtain a permanent surface site easement and a permanent road access and electric line easement (collectively, the “Servitudes”) on the defendant property, as set forth in the Complaint for Condemnation. Texas Gas immediately moved for an order confirming that it has the substantive right to condemn the Servitudes, and for a preliminary injunction permitting Texas Gas to take immediate possession of the defendant property. Texas Gas accompanied its complaint and motion for preliminary injunction with a motion for emergency hearing on the matter, as well as for leave to deposit funds with the court as security pursuant to Federal Rules of Civil Procedure 65(c) and 71.1(j).

On April 8, 2016, the parties stipulated to the entry of a permanent injunction granting Texas Gas immediate access to and possession of the Servitudes. The

stipulation provides that Texas Gas will deposit forty-two thousand dollars (**\$42,000.00**) with the court as security for the payment of costs and damages to the defendant landowners that may arise from Texas Gas's construction activities. Although the landowners, John M. Garrett, Cynthia D. Garrett, and Justin Garrett, dispute whether the deposit justly compensates them for the taking of their real estate, they stipulate to the deposit for purposes of security. The parties agree that adjudication of the issue of just compensation will be held in due course pursuant to the governing case management plan.

Therefore, Texas Gas's Motion to Confirm Condemnation Authority and for Immediate Possession (Filing No. 10), motion to set a hearing on the matter (Filing No. 13), and motion for leave to deposit funds pursuant to Rule 65(c) and Rule 71.1(j) (Filing No. 14) are **DENIED as MOOT**.

SO ORDERED this 12th day of April 2016.



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

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